

REMARKS

This Amendment is in response to the Office Action mailed September 4, 2002. The Office Action objected to the format of the amendments in the response dated June 11, 2002, the Declaration by the Inventor, the Assignee Consent, and the Claim for Foreign Priority. The Office Action also rejected claims 29 and 33 under 35 USC § 112, paragraph 2, rejected claims 29-30 and 33-34 under 35 U.S.C. § 102, and rejected claims 29-30 and 33-34 under 35 U.S.C. § 251. Applicants have amended claim 29, 33 and 34. Claims 1-27, 29, 30, 33, and 34 remain pending in the application. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Objections to Application Format

2. The Office Action objected to format of the amendments made in the claims.

The Office Action alleges that the newly added claims are not underlined in their entirety as required by 37 CFR 1.173(d).

Applicants submit that a Preliminary Amendment was filed on February 19, 2002, in which all new claims added to the patent appear properly underlined in accordance with 37 CFR 1.173(d). Additionally, claim 33 was amended in the previous response dated June 11, 2002, is in accordance with 37 CFR 1.121. Hence, withdrawal of this objection is respectfully requested.

The Office Action also alleges that the amendment does not include a discussion of the status of the claims as required by 37 CFR 1.173(c).

Applicants submit that the status of the claims was properly presented in the previous response dated June 11, 2002, in page 4, second paragraph. Hence, withdrawal of this objection is respectfully requested.

3. The Office Action objected to the misspelled word "unnecessarily" in the declaration. It should read "unnecessarily".

A supplemental declaration shall be submitted prior to allowance to cover all corrections entered.

Objection to the Declaration

4. The Office Action indicates that the declaration is in error because claim 33 does not appear to remove the defect on which the reissue is sought. In particular, the Office Action notes that while the declaration states the reason for reissue being that the claims unnecessarily recite "the data conversion apparatus to be used as a data transmitting apparatus ...," claim 33 still recites a "... data transmitting apparatus...."

According to the declaration, the error upon which reissue is sought is that the "claims unnecessarily recite the data conversion apparatus to be used as a data transmitting apparatus." Applicants submit that both claims 29 and 33 are consistent with the stated purpose of the declaration. In particular, claims 29 and 33 recite "A data conversion apparatus for use in a **data communication system**" By contrast, the original claim 1, for example, recites "A data conversion apparatus which is used as a **data transmitting apparatus** in a data communication system" Thus, the claimed data conversion apparatus is no longer required to be an integral part of a data transmitting apparatus but rather part of a data communication system. The data

transmitting apparatus recited in the preamble of claims 29 and 33 refers to a distinct component of the communication system, which is distinct from the data conversion apparatus. Hence, withdrawal of this objection is respectfully requested.

Objection to the Reissue Oath/Declaration

5-7. The Office Action states that a new supplemental reissue oath/declaration under 1.175(b)(1) must be received prior to allowance. The Office Action also states that claims 1-15 are rejected as being based upon a defective reissue applicant under 35 U.S.C. 251.

The Examiner noted that a supplemental oath/declaration under 37 CFR 1.175(b)(1) will overcome these objections and rejections. Applicants also note for the record that the referenced claims 1-15 should have been 1-27 instead.

In accordance with 37 CFR 1.175(b)(1)(i), Applicants submit that said supplemental oath and declaration will be filed prior to allowance of the present application. A copy of the proposed supplemental oath and declaration is submitted with this response.

Consent by Assignee

8. The Office Action objected to the Reissue Application - Consent of Assignee for failure to properly identify a person who is empowered consent according to MPEP 324. In particular, the Office Action states that Mr. Kitagawa does not qualify as an authorized officer because the title entered in the signature page was General Manager IP Development Center.

Applicants submit that a new Consent of Assignee will be filed prior to allowance of the present application, in accordance with 37 CFR 3.73(b) and MPEP 324. A copy of the proposed Consent of Assignee is submitted with this response.

Objection to Claim of Foreign Priority

9. The Office Action objected to the claim of foreign priority previously submitted in this reissue application as inadequate.

A new Claim of Foreign Priority is herein submitted with this response. A certified copy of the foreign application upon which priority is claimed can be found in the file wrapper of the parent application (08/865,092). A new claim of foreign priority is herein submitted with this response in compliance with MPEP 201.14(b).

10. The Office Action noted that Applicants have not submitted an offer to surrender the original patent or a statement of loss or inaccessibility of the original patent in compliance with 37 CFR 1.178.

Applicants submit that in accordance with 37 CFR 1.178, said offer to surrender or statement will be submitted prior to allowance.

Rejections Under 35 U.S.C. § 112

The Office Action rejected claims 29 and 33 under 35 U.S.C. § 112, paragraph 2, as lacking antecedent basis for the limitation "the data transmitting apparatus" in the preamble.

Applicants have amended the preamble of claims 29 and 33 to cure this error by amending claims 29 and 33 to recite "a data transmitting apparatus".

Withdrawal of the rejection of claims 29 and 33 under 35 U.S.C. § 112 is respectfully requested.

Rejections Under 35 U.S.C. § 102

15. The Office Action rejected claims 29-30 and 33-34 under 35 U.S.C. § 102(e) as being anticipated by Leone et al. ("Leone") (U.S. Patent No. 5,745,360).

Applicants respectfully traverse the rejection in its entirety.

To more clearly claim that which Applicants consider a novel aspect of the invention, claims 29 has been amended to recite "identifier adding means for adding an identifier for focus control to each display image element in the display image in accordance with display position of each display image element, the identifier for controlling cursor shifting between display image elements, including shifting to any desired display image element in the display image."

Applicants submit that Leone fails to teach or suggest this shifting to any display element in a display image as claimed. In particular, this newly added limitation claims that cursor shifting may be performed to any desired display image element in a display image, not just those display image elements which may have identifiers that are numerically adjacent to the current display image element. Thus, the claim limitation is not limited to shifting to display image elements with numerically adjacent identifiers but can instead jump to any display image element in a display image.

As to claim 33, it recites the "piece of display link destination information corresponding to a serial number assigned to a supplementary design." Applicants submit that the Office Action did not point out where in Leone said element of claim 33 could be found.

This limitation is a novel aspect of the present invention as it makes it possible to generate display images which can be changed by a jump operation without difficulty. For

example, it is possible for the operator to achieve jumps between display images by designating numbers assigned to desired supplementary designs.

As to claim 34, Applicants have amended this claim to recite "wherein an identifier for focus control has been added to each display image element in the display image" and "focus control means for controlling the focus and allowing another display image element to be focused on in accordance with either the identifier for focus control or the received operation signal by referring to the position information stored in the storage means." Applicants submit that Leone does not teach these limitations as amended.

Because the cited prior art does not teach or suggest every limitation of independent claims 29, 33 and 34, Applicants respectfully request that the rejection of claims 29-30 and 33-34 as being anticipated by Leone (U.S. Patent No. 5,745,360) be withdrawn.

Rejection Under 35 U.S.C. § 251

16. The Office Action rejected claims 29-30 and 33-34 under 35 U.S.C. §251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based.

The Office Actions notes that "[a] broadening aspect is present in the reissue which was not present in the application for patent" and that "the record of the application for the patent shows that the broadening [in the reissue] relates to subject matter that applicant previously surrendered during the prosecution of the application."

Applicants have reviewed the record of the application for the patent and cannot find where the alleged surrender of the broadened matter occurred. According to the record of the

patent application (08/865,092), claims 1-24 were allowed as originally submitted, without any amendments. Also, later added claims 25-27 were also allowed without any amendments.

Applicants cannot find where the claims were narrowed to surrender the claimed subject matter as alleged in the Office Action. Applicants respectfully request that, if the Examiner decides to maintain this rejection, greater specificity and detail be provided so that the Applicants may ascertain the grounds and validity of said rejection.

Applicants respectfully request that the Examiner withdraw the rejection of claims 29-30 and 33-34 under 35 U.S.C. § 251.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited.

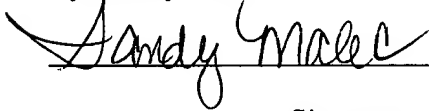
Authorization is hereby given to charge our Deposit Account No. 19-2814 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,


Snell & Wilmer, L.L.P.

I hereby certify that this document and fee is being deposited on February 24, 2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Sandy Malec



Signature


Julio Loza
Registration. No. 47,758
1920 Main St., Suite 1200
Irvine, CA 92614
Telephone: (949) 253-4924